

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROBERT McFEETER,	:	CASE NO. C-1-01-900
	:	(Beckwith, J.; Hogan, M.J.)
PLAINTIFF,	:	
	:	
vs:	:	<u>MOTION TO AMEND</u>
	:	<u>JOINT PRETRIAL STATEMENT</u>
CITY OF MIDDLETOWN	:	
POLICE DEPARTMENT, et al.,	:	
	:	
DEFENDANTS.	:	
	:	

Now comes Plaintiff, Robert McFeeter, by and through counsel, and hereby moves the Court for leave to amend the Joint Pretrial Statement as follows:

Plaintiff wishes to amend the Joint Pretrial Statement at page 5, Paragraph IV, G (Depositions) to allow for the deposition of Corrections Officer Mary Jones to be read into the record should she not appear at trial in this matter. After the drafting of the Joint Pretrial Statement, Plaintiff learned that Corrections Officer Jones now resides in Gray, Kentucky, approximately one hundred seventy (170) miles from the U. S. District Courthouse.

Therefore, Corrections Officer Mary Jones is not subject to the subpoena powers of this Court. While the Plaintiff and Defendant are attempting to secure the presence of Corrections Officer Jones at trial beginning on December 6, 2004, should she not appear, Plaintiff anticipates the need to read her deposition into the record. Corrections Officer Mary Jones' deposition has previously been filed with this Court. (An Amended Joint Pretrial Statement reflecting the proposed changes is attached hereto).

Counsel for Defendant has been notified of this Motion and has no objections to same.

/s/ James D. Ruppert

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was forwarded, by ordinary U. S. Mail and facsimile transmission, this 15th day of November, 2004, to the following:

Mr. Konrad Kircher
Attorney for Defendants: Kathy Jones, Kenneth Mynhier, John Spicer, James Brammer
and Mary Jones
The Offices of White Blossom
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/s/ James D. Ruppert

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